

USDC-NY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/30/13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER LOWER MANHATTAN
DISASTER SITE LITIGATION

WALDEMAR ROPEL and KRYSTYNA ROPEL

21MC 102(AKH)

06 CV 1520

Plaintiffs,

STIPULATION OF
DISCONTINUANCE AS
TO 233 BROADWAY,
OWNERS, LLC, ONLY

-against-
THE BANK OF NEW YORK COMPANY, INC., et al.,

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued against 233 Broadway Owners, LLC, *without prejudice*, without costs to either party as against the other.

IT IS HEREBY STIPULATED AND AGREED, that should evidence be discovered throughout the course of the litigation which determines that "233 Broadway Owners, LLC", are proper parties to this suit, that plaintiff(s) may reinstate the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendant shall not assert Statute of Limitations as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court and defendant will obtain, if necessary, any Judicial "So Order" of this Stipulation and any other signatory, if necessary.

Dated: August 22, 2013
Melville, New York

Margaret Herrmann
by: Margaret Herrmann, Esq. (MH3676)
Lawrence, Worden, Rainis & Bard, P.C.
Attorneys for Defendants
225 Broad Hollow Road, Suite 105E
Melville NY 11747
(631) 694-0033

SO ORDERED: 8/29/13

John T. Miller
U.S.D.J.

Gregory Cannata
by: Gregory Cannata, Esq. (GC1835)
Gregory J. Cannata & Associates
Attorneys for Plaintiffs
233 Broadway
New York NY 10279
(212) 553-9206

LAWRENCE, WORDEN, RAINIS & BARD, P.C.

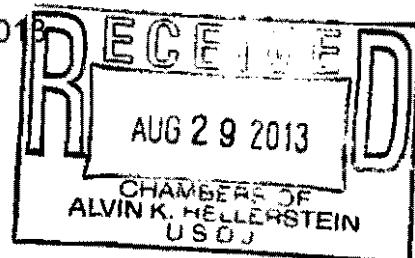
ATTORNEYS AT LAW

425 BROAD HOLLOW ROAD, SUITE 120
MELVILLE, NEW YORK 11747
TELEPHONE (631) 694-0033
TELEFAX (631) 694-9331
www.lwrlawyer.com

MARGARET HERRMANN
Principal
Direct Line: (631) 694-0033 x 227
mherrmann@lwrlawyer.com

August 26, 2013

Hon. Justice Alvin K. Hellerstein
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 14D
New York NY 10007-1312



Re: Ropel v. The Bank of New York, et al
Our File No.: 11-2446-06
Docket No.: 06Civ1520/ 21 MC 102 (AKH)

Dear Hon. Justice Hellerstein:

Attached please find a stipulation of discontinuance issued by Gregory J. Cannata on behalf of his firm to my client, 233 Broadway Owners, LLC, in the above action. If the stipulation meets with your approval, kindly "so order" the stipulation so that we may file same with the Court under the appropriate docket number.

Thank you for your assistance. Please feel free to contact the undersigned should you have any questions regarding the above.

Very truly yours

Margaret Herrmann

Margaret Herrmann

MH/hr
Enc.

CC: Gregory J. Cannata & Associates
233 Broadway, 5th Floor
New York NY 10279-0003
(212) 553-9206/Fax: (212) 227-4141